

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Wellman et al.

Serial No. :

Art Unit:

Filed :

Examiner:

For : Space-Creating Retractor with Vessel Manipulator

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October 31, 2003

(Date of Deposit)

Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)



(Signature)

October 31, 2003

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH5079/BST. This form is submitted in triplicate.

Respectfully submitted,



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DATED: October 31, 2003

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

**Application Number****Filing Date****First Named Inventor**

Parris Wellman

**Group Art Unit****Examiner Name****Attorney Docket Number**

ETH5079

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		Des349,341		Lichtman et al.	8/2/94	
		Des350,606		Koros et al.	9/13/94	
		Des415,146		Hori et al.	10/1999	
		RE36043		Knighton	1/12/99	
		2,002,594		Wappler et al.	5/28/35	
		2,055,188		Wappler et al.	9/1936	
		3,799,150		Bonnet	3/1974	
		3,844,272		Banko	10/29/74	
		4,052,980		Grams et al.	10/11/77	
		4,391,282		Ando et al.	7/1983	
		4,573,451		Bauman	3/1986	
		4,705,009		Pourcelet et al.	9/1936	
		5,023,312		Parins et al.	5/7/91	
		5,085,659		Rydell	2/1992	
		5,171,255		Rydell	12/1992	
		5,324,289		Eggers	6/28/94	
		5,373,840		Knighton	12/20/94	
		5,403,312		Yates et al.	4/4/95	
		5,443,463		Stern et al.	8/22/95	
		5,445,638		Rydell & O'Brien	5/23/95	
		8,456,684		Schmidt et al.	10/10/95	
		5,458,598		Feinberg & Seitzinger	10/17/95	
		5,462,546		Rydell	10/31/95	
		5,484,436		Eggers & Eggers	1/16/96	
		5,512,037		Russell et al.	4/1996	
		5,514,148		Smith III	5/7/1996	
		5,527,313		Scott et al.	6/18/96	
		5,531,744		Nardella et al.	7/2/96	
		5,536,234		Niewman	7/1996	
		5,569,274		Rapacki et al.	10/29/96	
		5,573,534		Stone	11/12/96	
		5,573,535		Viklund	11/12/96	
		5,591,183		Chin	1/1999	

	5,593,418	Mollenauer	1/1997
	5,601,581	Fogarty et al.	2/1997
	5,647,838	Bloomer	7/1997
	5,658,282	Daw et al.	8/1997
	5,665,085	Nardella	9/9/97
	5,665,100	Yoon	9/9/97
	5,667,480	Knight et al.	9/16/97
	5,685,824	Takei	11/1997
	5,695,514	Chin	12/9/97
	5,709,224	Behl et al.	1/20/98
	5,709,680	Yates et al.	1/20/98
	5,713,896	Nardella	2/3/98
	5,722,924	Knight et al.	3/3/98
	5,725,479	Knight et al.	3/10/98
	5,730,748	Fogarty et al.	3/1998
	5,749,830	Kaneko et al.	5/1998
	5,759,150	Konou et al.	6/1998
	5,766,166	Hooven	6/16/98
	5,772,576	Knighton et al.	6/30/98
	5,776,128	Eggers	7/7/98
	5,792,139	Chambers et al.	8/11/98
	5,797,938	Paraschac et al.	8/25/98
	5,797,941	Schulet et al.	8/25/98
	5,797,947	Mollenauer	8/25/98
	5,800,449	Wales	9/1/98
	5,810,128	Eriksson et al.	9/22/98
	5,810,808	Eggers	9/22/98
	5,817,013	Ginn et al.	10/6/98
	5,826,776	Schulze et al.	10/27/98
	5,827,176	Tanaka et al.	10/1998
	5,827,279	Hughett et al.	10/27/98
	5,833,690	Yates et al.	11/10/98
	5,836,945	Perkins	11/17/98
	5,846,185	Carollo et al.	12/1998
	5,853,417	Fogarty et al.	12/29/98
	5,860,975	Goble & Goble	1/19/99
	5,865,726	Katsurada et al.	2/1999
	5,873,889	Chin	2/1999
	5,876,413	Fogarty et al.	3/1999
	5,891,140	Ginn et al.	4/6/99
	5,891,141	Rydell	4/6/99
	5,895,353	Lunsford et al.	4/1999
	5,899,913	Fogarty et al.	5/1999

	5,902,315	BuBois	5/1999	
	5,902,316	Mollenauer	5/1999	
	5,913,818	Co et al.	6/1999	
	5,913,866	Ginn et al.	6/22/99	
	5,916,233	Chin	6/1999	
	5,921,916	Aeikens et al.	7/1999	
	5,921,919	Chin et al.	7/1999	
	5,921,984	Sutcu & Gentella	7/13/99	
	5,922,001	Yoon	7/18/99	
	5,922,004	DuBois	7/1999	
	5,925,045	Reimels & Morrison	7/20/99	
	5,928,135	Knight et al.	7/27/99	
	5,928,138	Knight et al.	7/29/99	
	5,938,680	Ginn	8/1999	
	5,951,549	Richardson et al.	9/14/99	
	5,954,720	Wilson et al.	9/21/99	
	5,968,065	Chin	10/1999	
	5,968,066	Fogarty et al.	20/1999	
	5,970,982	Perkins	10/1999	
	5,972,010	Taheri	10/1999	
	5,976,168	Chin	11/1999	
	5,980,549	Chin	11/1999	
	5,984,937	Morse et al.	f11/1999	
	5,993,384	Lunsford et al.	11/1999	
	6,019,720	Bito	2/2000	
	6,019,771	Bennett et al.	2/2000	
	6,022,313	Ginn et al.	2/2000	
	6,024,741	Wialliamson IV et al.	2/2000	
	6,030,384	Nezhat	2/29/00	
	6,036,713	Kieturakis	3/2000	
	6,036,714	Chin	3/2000	
	6,039,733	Buysse et al.	3/21/00	
	6,042,538	Puskas	3/2000	
	6,053,863	Chin et al.	4/2000	
	6,056,746	Goble et al.	5/2/00	
	6,059,782	Novak et al.	5/9/00	
	6,059,802	Ginn	5/2000	
	6,066,137	Greep	5/23/00	
	6,068,639	Fogarty et al.	5/2000	
	6,071,132	Knighton et al.	6/2000	
	6,080,102	Konou et al.	6/2000	
	6,083,223	Baker	7/2000	
	6,086,586	Hooven	7/11/00	

		6,110,170		Taylor et al.	8/2000	
		6,113,395		Hon	9/2000	
		6,113,598		Baker	7/5/00	
		6,120,433		Mizano et al	9/2000	
		6,120,434		Kimura et al.	9/2000	
		6,126,658		Baker	10/3/00	
		6,129,661		lafrati et al.	10/2000	
		6,135,999		Fanton et al.	10/2000	
		6,139,489		Wampler et al.	10/2000	
		6,162,173		Chin et al.	12/2000	
		6,162,220		Nezhat	12/2000	
		6,206,823		Kolata et al.	3/2001	
		6,228,024		Co et al.	5/2001	
		6,277,137		Chin	8/2001	
		6,306,082		Takahashi et al.	10/2001	
		6,306,345		Bronshtein et al.	10/2001	
		6,309,345		Stelzer et al.	10/2001	
		6,334,860	B1	Dorn	1/2002	
		6,348,037		Chin et al.	2/2002	
		6,391,028		Fanton et al.	5/2002	
		6,464,702		Schulze etg al.	10/2002	
		6,527,771		Weadock et al.	3/2003	
		6,592,482		Serkh	7/2003	
		6,592,604		Hess et al.	7/2003	
		6,616,661		Wellman et al.	9/2003	
		6,623,482		Pendekanti et al.	9/2003	
		2003/0032864		Friesen	2/2003	
		2003/0065323		Hess et al.	4/2003	
		2003/0065348		Hess et al.	4/2003	
		2003/0065349		Hess et al.	4/2003	
		2003/0065351		Hess et al.	4/2003	
		2003/0130674		Kasahara et al.	7/2003	



# **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		WO	99/66842		Schollhorn	12/1999		
		WO	99/66850		Komerup	12/1999		
		W)	99/12487		Ryan	3/1999		
		WO	00/15116		Rydin et al.	3/23/00		
		EP	0 979 635	A2		2/2000		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. <sup>6</sup> If possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

<i>Application Number</i>	
<i>Filing Date</i>	
<i>First Named Inventor</i>	Parris Wellman
<i>Group Art Unit</i>	
<i>Examiner Name</i>	
<i>Attorney Docket Number</i>	ETH5079

[illegible]

Examiner Signature		Date Considered	
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1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

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